

Topsfield Conservation Commission

Minutes for February 28, 2007

Topsfield Library Conference Room

Present: Wade Goldman, Acting Chair, Dylan Cadwalader, Ralph Stump, Tom Warren, Lana Spillman, Administrator.

Absent: Walter Harmer, Chair, and John Olcott.

Note: Hilary Hafner transcribed these minutes.

Goldman called the meeting to order at 7: 54 pm.

PUBLIC HEARINGS:

Continuation NoI 307-0580: 367 Boston Street, Dunkin Donuts, (Map 26, Lot 15), LEXA, LLC/Dinart Serpa/McKenzie Engineering Group, Inc. Scott Cameron and Dinart Serpa were present. They pointed out that of the three engineering firms that are candidates for providing the peer review that TCC is requiring, BSC's estimate is \$4000 more than those of the other two. Mr. Cameron and Mr. Serpa asked that Mill River, therefore, be hired for the job. TCC was reluctant to use an unknown firm and expressed preference for BSC, with whom they have worked very successfully in the past. Warren moved to continue the hearing under the Act and the Bylaw to March 14th. The motion was seconded and passed unanimously.

NoI 307-_____ : 17 Morningside Drive, (Map 65, Lot 18), Cheryl Nelson/James K. Emmanuel Associates. Proof of abutter notification was submitted. Cadwalader read the legal ad. James Emmanuel, the Landscape Architect for the project, presented. He went over the proposed work, to convert the existing deck and lawn to a low, much larger deck with fireplace, cooking/eating area, pergola, stone walkway, and landscaping. Emmanuel is willing to mark for inspection the dead wood that he wants to remove and said his client could offer further plantings to serve as mitigation in the area that was cleared by previous owners of the property without authorization. They are willing to take additional mitigating measures, as well. TCC asked about provisions for stormwater infiltration. A site visit was scheduled for Wednesday, March 7th, at 4:30 p.m. Cadwalader moved to continue to March 14th. The motion was seconded and passed unanimously.

Amended NoI 307-0566: 27 Winsor Lane, (Map 27, Lot 29), Lorraine Theokas/Andrew Martino. Mr. Theokas' son was present. No proof of abutter notification had been received. Therefore, the hearing was not opened tonight. The hearing will be on the March 14th agenda.

Amended OoC 307-0564, 5 Maple Lane (Map 49, Lot 73), Frank Lucas/The Neve-Morin Group. The applicant submitted previously a written request for a continuance. Warren moved to grant the request, to continue the opening of the hearing to March 14th. The motion was seconded and passed unanimously.

PUBLIC MEETING:

Continuation RDA 2006-16: 46 Perkins Row, (Map 58, Lot 20), James Gillespie. There was a brief discussion during which Spillman said that abutter Phyllis Hurley of 44 Perkins Row calls her every couple weeks about the status of the Commission's review. Spillman has informed her that the Commission is continuing to observe the area and is waiting to observe the pipe during and after rain

events. Warren moved to continue the meeting to March 14, 2007. The motion was seconded and passed unanimously.

MINUTES:

Stump moved to approve the minutes of **7/9/2003, 4/26/2006, and 1/10/2007** as amended. The motion was seconded and passed unanimously.

OLD BUSINESS, UPDATES & MISCELLANEOUS:

120 High Street, (Map 49, Lot 56), **Hickory Beech Realty Trust/Joseph Falzone, Trustee** – review of proposed deed for Open Space and need for reference to Article 97 of the State Constitution. Spillman sent a letter on February 8, 2007, to the Planning Board, to which she has received no reply.

244 Ipswich Road, (Map 21, Lot 6), William Niland, Jr. – update. This matter is currently in Mr. Casey's hands.

102 River Road, (Map 47, Lot 49), Christopher & Alison Esposito/Essex County Greenbelt – house removal and mitigation area – update. Greenbelt set June 30 as the deadline for vacating and demolishing of the house. TCC asked Spillman to send a letter to Greenbelt asking them to consult with the Commission, and to reconsider the dates so that the plantings can be completed by September 1. The Order of Conditions for the house removal and required restoration expires March 7, 2008.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

3rd Amended Enforcement Order: 64 Wenham Road & 255 High Street, (Map 71, Lot 22 & Map 65, Lot 1), Stephen Bernstein. No update was given.

Enforcement Order: 50 Prospect Street, (Map 48, Lot 12), John Molloy/Hancock Associates – update. Spillman reported that the Commission office still is anticipating a new NOI.

Enforcement Order & Ticket #2006-15, OoCs 307-0462, 39 Prospect Street, (Map 40, Lot 97), Eliot Sherr & Mary Ellen Gardiepy – update. The District Court upheld the full amount of the Bylaw ticket. This morning Bob Erbetta dropped off a sketch of his proposal to “manage” the water that flows down the slope. He said he plans to consult Hayes Engineering on the matter. TCC agreed to issue an Amended E.O. giving deadlines for drawing up a plan and appearing before the Commission. Warren moved to amend the E.O. to require the Applicant's engineer to appear before TCC on March 14th to present a proposed plan of action to be taken ASAP to prevent further alteration of Resource Areas on the site. The motion was seconded and passed unanimously.

Violation Notice & Ticket #2006-18: 42 Washington Street, (Map 32, Lot 133), Matthew and Stephanie Maloney. A District Court date has been set for April 2, 2007.

Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2), Andrzej Galka. A District Court date has been set for April 2, 2007. Mr. Galka has requested to speak with TCC at the meeting on March 14th.

Violation Notice and Ticket #2006-34, OoC 307-557, 27 Pemberton Road, (Map 49, Lot 20), Nicholas Cox and Gia DeSantis. The ticket was paid on 2/20/2007.

PUBLIC HEARING:

NoI 307-___: Coppermine Road – Ferncroft Golf Course (Map 20, Lots 16, 23, & 46) Charles Costello for David Swales Managing Director of Ferncroft/DeRosa Environmental. Cadwalader read the legal ad. Proof of abutter notification was submitted. Charles Costello and Mike DeRosa were there to represent the applicant. Mike Cassidy, Ferncroft Country Club's Superintendent, also was present and participated in the discussion. The NoI is for a proposed Restoration Project including restoration of existing golf course ponds, bank stabilization to reduce sedimentation of Nichols Brook, cart path improvements, and bridgework and repair, within Bank, Land Under Waterbody, Riverfront Area of Nichols Brook and Buffer Zone of Bordering Vegetated Wetlands. Mr. Costello discussed the work they intend to do, explaining that a country club without water is not viable and that the grounds serve as a kind of open space for a great deal of wildlife. Mr. DeRosa gave a PowerPoint presentation. They submitted checks for the filing fees, explaining that they intend to ask for a waiver of the boundary review fee. Discussion of the proposed work followed, including how the fish would be protected, what kind of fertilizer they use and how much, and the like. Nick Costas, an abutter on Coppermine Road, was in the audience and asked whether the dredging might be done between hole #10 and Coppermine Road, as there is a large wetland behind Coppermine Road. Mr. Costello said that there would be only a very minor increase in flow. He thinks the surface is very impervious and that the ponds will fill up with groundwater. The Commissioners will go out to see the site as soon as the snow has melted, if possible before March 14. Stump moved to continue to March 14, 2007. The motion was seconded and passed unanimously.

OLD BUSINESS, UPDATES & MISCELLANEOUS:

Discussion: OoC 307-0503, 18 Brook Road, (Map 39, Lot 11), Angel Barbosa, Jr. Mr. Barbosa wants to construct a two-car garage, but the property is not in compliance with the current OoC. A previous CoC request was denied. Then the process for requesting an Amendment to the current OoC was started, but never filed. TCC agreed to ask for a new NoI to be filed to cover the previous unpermitted activities as well as the proposed garage. Mr. Barbosa can then request a CoC for the original OoC after the new project is completed.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Corrected Enforcement Order and Ticket #2007-01, (Viol. Notices & Tickets #2006-27 & #2006-28), 26 Candlewood Drive, (Map 42, Lot 37), Jeffrey Andrews and Lisa Kanaley-Andrews – ticket appealed. Spillman presented a corrected Enforcement Order to the Commissioners. Stump moved to issue the Corrected Enforcement Order. The motion was seconded and passed unanimously. The Commissioners signed the E.O. order.

INFORMAL DISCUSSION with Selectman Dick Gandt: Mr. Gandt said he appreciates that TCC will monitor the work to be done at the Ferncroft Country Club. He also informed the Commissioners that the town has been asked to lease land near Pye Brook to T-Mobile for a cell tower. Jim MacDougall is scouting out an appropriate site. The Federal Communications Act requires that the Town provide a site for the tower.

OTHER:

Violation Notice and Ticket #2007-02, 1 Ledgewood Circle, (Map 42, Lot 37), Joseph Sunderland. Spillman reported that she received proof of delivery on the letter and ticket she mailed to Mr. Sunderland, but has not heard back from him.

ADMINISTRATOR'S REPORT:

Secretary position: Spillman reported that Donna Rich has been offered and accepted the BoS Secretary position. Spillman is advertising for a new secretary, and is considering hiring temporary secretarial assistance in the interim.

DEP Enforcement: No update was given regarding 252 Rowley Bridge Street.

Coverts Training: Spillman has submitted her application for the training, which will be in April.

New Computer for Administrator: Spillman reported that the software was changed to XP Professional and that she is waiting to have data transferred.

Town Flood concerns: No update was given.

MACC Annual Conference: The conference will take place on March 3. Harmer and Spillman will attend.

At 11:20 p.m. Stump moved to adjourn. The motion was seconded and passed unanimously.

Respectfully submitted,

Lana Spillman, Conservation Administrator

Approved at the TCC meeting on December 12, 2007.